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28 Attorneys for Defendants
CHILDREN'S APPAREL NETWORK, LTD. and MERVYN'S LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

23 GYM-MARK, INC. and GYMBOREE, INC.,
24 Plaintiffs,
25 v.
26 CHILDREN'S APPAREL NETWORK, LTD. and
27 MERVYN'S LLC,
28 Defendants.

Case No.: C 07-03523 (JW) (HRL)

STIPULATION AND [PROPOSED] ORDER SELECTING ADR PROCESS

1 Counsel report that they have met and conferred regarding ADR and have reached
2 the following stipulation pursuant to Civil L.R. 16-8 and ADR L.R. 3-5:

3 The parties agree to participate in the following ADR process:

4 **Court Processes:**

- 5 – Non-binding Arbitration (ADR L.R. 4)
6 – Early Neutral Evaluation (ENE) (ADR L.R. 5)
7 X Mediation (ADR L.R. 6)

8 **Private Process:**

- 9 – Private ADR (*please identify process and*
10 *provider*)_____

11 The parties agree to hold the ADR session by:

- 12 X the presumptive deadline (*The deadline is 90 days from the date*
13 *of the order referring the case to an ADR process unless*
14 *otherwise ordered.)*
15 – other requested deadline_____

16 Dated: November 9, 2007

17 /s/ Annette L. Hurst
Attorney for Plaintiffs

18 Dated: November 9, 2007

19 /s/ Martha C. Luemers
Attorney for Defendants

1 ~~James Whise~~ [PROPOSED] ORDER

2 Pursuant to the Stipulation above, the captioned matter is hereby referred to:

- 3 — Non-binding Arbitration
4 — Early Neutral Evaluation (ENE)
5 X Mediation
6 — Private ADR

7 Deadline for ADR session:

- 8 X 90 days from the date of this order.
9 — other _____

10 IT IS SO ORDERED.

11 Dated: November 9, 2007


UNITED STATES DISTRICT COURT JUDGE

ATTESTATION OF E-FILED SIGNATURE

I, Annette L. Hurst, attest that Martha C. Luemers has read and approved the Stipulation and [Proposed] Order Selecting ADR Process. I will maintain records of Ms. Luemers' concurrence in our files that can be made available for inspection upon request.

/s/Annette L. Hurst
Annette L. Hurst